



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

November 1, 1973

Mr. Jerry W. Belcher
Executive Director
Texas Industrial Accident Board
State Finance Building
Post Office Box 12757
Austin, Texas 78711

Honorable Robert S. Calvert
Comptroller of Public Accounts
State of Texas
State Finance Building
Austin, Texas 78711

Open Records Decision No. 8

Gentlemen:

By letter dated June 29, the Industrial Accident Board conveyed to this office the requests of Mr. Goerge J. Petrovich, Jr., on behalf of the Industrial Foundation of the South, and of Mr. Brooks L. Harman, on behalf of the Industrial Foundation of America, to have access to certain information in the possession of the board. Mr. Petrovich asked for the following information regarding workmen's compensation claims filed with the board: 1) file number; 2) claimant's name; 3) claimant's social security number; 4) claimant's employer; 5) nature of injury; and 6) name of attorney, if any, representing claimant. Mr. Harman asked for the following information concerning compensable claims: 1) name of person; 2) social security number; 3) date of accident; 4) employer's name; and 5) type of accident.

By a letter dated August 17, the Comptroller of Public Accounts conveyed to this office a request from Mr. Tommy Hill and others, on the letterhead of Business Data Service, to have access to the "names addresses, owners and types of businesses that appear on all new applications for Limited Sales Tax Permits".

The requests of the Industrial Accident Board and the Comptroller were properly presented to this office pursuant to Section 7(a) of House Bill 6. Subsection (b) of Section 7 of that Act provides that "The attorney general shall forthwith render a decision, consistent with standards of due process, to determine whether the requested

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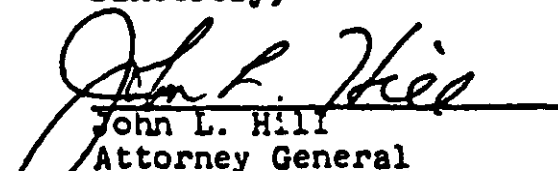
information is a public record or within one of the above stated exceptions".

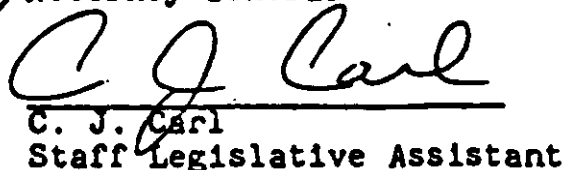
The term 'forthwith' is, of course, relative; and in the case of these requests, this office has taken rather more time to make its determination than would usually be the case. Because of questions raised about the practical difficulties of supplying the voluminous quantities of information which are sought by the respective requests to these two agencies, we felt it incumbent upon us to decide whether these matters should be considered in making the basic decision regarding the openness of the information sought. After considerable research and extensive briefing of the issue of the practical difficulties which may be imposed on the personnel of the agencies to which these and other similar requests have been or will be made, we have reluctantly concluded that House Bill 6 does not allow this office to address these problems, at least not at this time.

Sections 9 and 11 of the Act deal with the problems of the costs of providing access to and copies of public information sought from a governmental body. Subsections (a) and (b) of Section 9 delegate the question of costs, at least initially, to the Board of Control and the respective governmental bodies. We must emphasize again that we are concerned about the practical difficulties that may be encountered in complying with requests such as the instant ones; however, the scheme presented to us by the Legislature in House Bill 6 does not allow us to address these matters at this time.

Our close examination of House Bill 6 and of other relevant law does not reveal any exception which could form the basis for withholding access to any of the requested information described above.

Sincerely,


John L. Hill
Attorney General


C. J. Carl
Staff Legislative Assistant